



HON. SYLVIA O. HINDS-RADIX
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LAW DEPARTMENT

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May 8, 2023

VIA ECF

Hon. Robert W. Lehrburger
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *M.B. v. New York City Dept. of Educ.*, 23-cv-1618 (GHW)(RWL)

Dear Judge Lehrburger:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks an extension of the implementation deadline for use of tutoring services (and authorization of payment to EBL Coaching or other tutoring services providers), as well as attorneys' fees and costs for legal work implementing the decision in Case# 193695 in this action.

Defendant respectfully requests the adjournment *sine die* of the Initial Pretrial Conference (IPTC) scheduled for May 17, 2023 and attendant submission of a proposed Case Management Plan and Scheduling Order (CMP). Plaintiff consents to these requests. The parties are engaged in good-faith settlement negotiations regarding the implementation of the underlying administrative order. Once implementation has been resolved, Plaintiff will provide Defendant with the necessary billing records to resolve the fees portion of this matter, and Defendant will begin its internal review process. This matter will not require any discovery or a trial. The parties are hopeful that they can resolve this matter without further Court intervention, but will propose a briefing schedule for any outstanding issues should negotiation prove unsuccessful. Therefore, an IPTC and CMP are not needed.

Accordingly, I respectfully request that the Court adjourn the IPTC and attendant submission of a CMP, *sine die*, and respectfully propose that a joint status letter be due on or before June 21, 2023 informing the Court as to the status of settlement.

Thank you for considering these requests.

cc: William DeVinney (via ECF)

Granted. The parties shall file a joint status report by June 21, 2023.

SO ORDERED:

5/9/2023

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Respectfully submitted,
/s/

Marina Moraru
Special Assistant Corporation Counsel